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Attorney for Defendant
CHARLES ELLIS

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No.: 2:18-CR-00255-JAD
)	
Plaintiff,)	<u>STIPULATION TO CONTINUE TRIAL</u>
)	
)	[THIRD REQUEST]
)	
vs.)	
)	
CHARLES ELLIS,)	
)	
)	
Defendant.)	
_____)	

CERTIFICATION: This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, ESQ., United States Attorney, by and through her Assistant United States Attorney, PATRICK BURNS, Esq., counsel for the United States of America; and, DONALD J. GREEN, ESQ. counsel for defendant CHARLES ELLIS (hereinafter referred to as Defendant); and respectfully STIPULATE that the Calendar Call set for JUNE 10, 2019 and Trial set for JUNE 18, 2019, be continued to dates convenient to the Court.

...

...

1 This Stipulation is entered into for the following reasons:

2 1. On August 23, 2018, defendant was arraigned on the Federal
3 Grand Jury Indictment. On this same day, defendant Ellis self-
4 surrendered to and was taken into custody by Special Agents of the
5 Bureau of Alcohol, Tobacco, Firearms and Explosives.

6 2. The defendant pled Not Guilty.

7 3. On August 23, 2018, Ellis was released from custody
8 and remains at liberty pursuant to conditions previously ordered by
9 the U.S. Magistrate Judge.

10 4. Government and defense counsel Green have exchanged e-mail
11 transmissions regarding this case. The discovery released to date
12 includes law enforcement reports regarding a large-scale
13 investigation of the defendant.

14 5. The discovery released to date and the entries in
15 defendant's I-Pad tablet are composed of thousands of pages. Defense
16 counsel has been reviewing this material. Defense counsel still needs
17 additional time in order to effectively prepare for trial and/or to
18 properly evaluate the case for trial and/or potential pre-trial
19 resolution.

20 6. On May 29, 2019, defense counsel consulted with defendant
21 and defendant has agreed to a continuance of the current trial date.

22 7. Without this requested continuance, defense counsel has not
23 had, nor will he have, sufficient time and the opportunity within
24 which to prepare for trial and/or potential pre-trial disposition,
25 given the necessity to fully review the files.

26 8. It would be unrealistic to expect defense counsel to be
27 able to effectively and thoroughly prepare for trial, and/or
28

1 potential pre-trial resolution in the above-captioned matter without
 2 this request for a continuance of the trial.

3 9. The Stipulation requests a continuance of the trial to a
 4 date and time convenient to the Court. The following dates for trial
 5 are proposed to the Court:

6 A. SEPTEMBER 9, 2019;

7 B. OCTOBER 28, 2019;

8 C. NOVEMBER 4, 2019;

9 D. NOVEMBER 12, 2019.

10 E. NOVEMBER 18, 2019

11 10. For all of the above-stated reasons, the ends of justice
 12 would best be served by a granting this **THIRD** request for a
 13 continuance of the trial.

14 11. The defendant understands that the Government has stated
 15 that, beyond the present Stipulation to the Court, the Government
 16 cannot stipulate to any future continuance of the trial.

17 12. The extension of time sought by the Stipulation is
 18 excludable under the Speedy Trial Act, 18 U.S.C. Section 3161
 19 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131
 20 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

21 13. This is the **THIRD** request for a continuance of the trial.

22 DATED this 30th day of MAY, 2019.

23 LAW OFFICES OF DONALD J. GREEN

24 BY /s/ Donald J. Green
 25 DONALD J. GREEN, ESQ.
 26 4760 S. Pecos Rd. #103
 Las Vegas, Nevada 89121
 Attorney for defendant
 CHARLES ELLIS

NICOLAS TRUTANICH, ESQ.

UNITED STATES ATTORNEY

BY /s/ Patrick Burns

PATRICK BURNS, ESQ.

Assistant U.S. Attorney

333 Las Vegas Blvd., #500

Las Vegas, NV 89101

GOVERNMENT COUNSEL

27 ...

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) **Case No.: 2:18-CR-00255-JAD**
)
)
 Plaintiff,) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW &**
 vs.) **ORDER**
)
)
 CHARLES ELLIS,)
)
)
 Defendant,)
)

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby finds:

1. On August 23, 2018, defendant was arraigned on the Federal Grand Jury Indictment. On this same day, defendant Ellis self-surrendered to and was taken into custody by Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

2. The defendant pled Not Guilty.

3. On August 23, 2018, Ellis was released from custody and remains at liberty pursuant to conditions previously ordered by the U.S. Magistrate Judge.

4. Government and defense counsel Green have exchanged e-mail transmissions regarding this case. The discovery released to date includes law enforcement reports regarding a large-scale investigation of the defendant.

5. The discovery released to date and the entries in defendant's I-Pad tablet are composed of thousands of pages. Defense counsel still needs additional time in order to effectively prepare

1 for trial and/or to properly evaluate the case for trial and/or
2 potential pre-trial resolution.

3 6. On May 29, 2019, defense counsel consulted with defendant
4 and defendant has agreed to a continuance of the current trial date.

5 7. Without this requested continuance, defense counsel has not
6 had, nor will he have, sufficient time and the opportunity within
7 which to prepare for trial and/or potential pre-trial disposition,
8 given the necessity to fully review the files.

9 8. It would be unrealistic to expect defense counsel to be
10 able to effectively and thoroughly prepare for trial, and/or
11 potential pre-trial resolution in the above-captioned matter without
12 this request for a continuance of the trial.

13 9. The Stipulation requests a continuance of the trial to a
14 date and time convenient to the Court. The following dates for trial
15 are proposed to the Court:

- 16 A. SEPTEMBER 9, 2019;
17 B. OCTOBER 28, 2019;
18 C. NOVEMBER 4, 2019;
19 D. NOVEMBER 12, 2019.
20 E. NOVEMBER 18, 2019

21 10. The defendant understands that the Government has stated
22 that, beyond the present Stipulation to the Court, the Government
23 cannot stipulate to any future continuance of the trial.

24 11. For all of the above-stated reasons, the ends of justice
25 would best be served by a granting this **THIRD** request for a
26 continuance of the trial.

27 ...

28 ...

CONCLUSIONS OF LAW

12. The extension of time sought by the Stipulation is excludable under the Speedy Trial Act, 18 U.S.C. Section 3161 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

13. Additionally, denial of the request for a continuance of the trial could result in a miscarriage of justice.

14. The defendant is out of custody. Defense counsel has informed the defendant of the necessity for a continuance of the current trial date.

15. The Court is informed by defense counsel that on May 29, 2019, defendant CHARLES ELLIS gave his consent to a continuance of the current trial date.

16. The denial of this request for a continuance of the trial would deny defendant the opportunity to have continuity of counsel, taking into account the exercise of due diligence.

17. Additionally, denial of the request for a continuance of the trial could result in a miscarriage of justice.

18. For all of the above-stated reasons, the ends of justice would best be served by a granting this **THIRD** request for a continuance of the trial.

19. The extension of time sought by the Stipulation is excludable under the Speedy Trial Act, 18 U.S.C. Section 3161 (h) (8) (a) when considering the factors under 18 U.S.C. Sections 3131 (h) (1), 3161 (h) (8) (b) (I), 3161 (h) (B) (iv), and 3161 (h) (1) (f).

20. Denial of this request for a continuance of the trial could result in a miscarriage of justice.

21. The ends of justice served by granting this **THIRD** request for a continuance of the trial and said continuance of the trial outweigh the best interests of the public and the defendant in a speedy trial, because the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny defense counsel adequate time to prepare for trial and/or potential pre-trial resolution, taking into account the exercise of due diligence, and would deny the defendant the opportunity to have continuity of counsel, taking into account the exercise of due diligence.

22. This is the **THIRD** stipulated continuance of the Trial.

ORDER

IT IS ORDERED that the trial date set for JUNE 18, 2019 shall be VACATED.

IT IS ORDERED that the Trial of this matter shall be continued until November 19, 2019, at the hour of 9:00 a.m.

IT IS ORDERED that the Calendar Call date set for JUNE 10 2019 shall be VACATED.

IT IS ORDERED that the Calendar Call shall be continued until October 28, 2019, at the hour of 1:30 p.m.

IT IS FURTHER ORDERED that the government and the defense shall file proposed jury instructions and/or proposed voir dire on or before noon on October 28, 2019.

IT IS FURTHER ORDERED that the Government shall file its Trial brief by noon on October 28, 2019.

